

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COMMIL USA, LLC

vs.

CISCO SYSTEMS, INC. AND ARUBA
NETWORKS, INC.

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CASE NO. 2:07-CV-341-CE

ORDER

The court issues this order to resolve the plaintiff Commil USA, LLC's objections to certain exhibits offered by the defendant Cisco Systems, Inc. The exhibits, generally, involve negotiations to purchase the patent-in-suit. The plaintiff objects to the admissibility of these materials. These objections are well-taken. Although the court has allowed evidence of the final purchase price of the patent in suit as bearing on the issue of damages, evidence of the negotiations undertaken to arrive at that price are relevant, if at all, in only a remote way. Any slight relevance is substantially outweighed by the danger of unfair prejudice and confusion of the issues. *See* Fed. R. Evid. 403. As such, the court sustains the objections to DTX 1003, 1003B, 1023, 1029, 1030, 1232, 1233, 1392, 1393, 1394, 1395, 1396, 1398, 1400, 1400B, 1401, 1426, 1426B, 1418, 1418, 1418B, and 1419.

SIGNED this 10th day of May, 2010.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE